

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ARTURO TORRES OCHOA,

Plaintiff,

v.

A. JAMISON et al.,

Defendants.

Case No. 3:13-cv-00261-MMD-WGC

ORDER

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, see 28 U.S.C. § 1915(h), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. The Court dismisses this action because plaintiff did not pay the filing fee, nor did he submit an application to proceed *in forma pauperis* with a financial certificate and a copy of his inmate account statement, as required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2. Based upon review of the file, it does not appear that a dismissal without prejudice would materially affect the timeliness of a promptly filed new action.<sup>1</sup>


IT IS THEREFORE ORDERED that the Clerk of the Court shall send plaintiff a blank form for an application to proceed *in forma pauperis* for incarcerated litigants and a blank civil rights complaint form with instructions.

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<sup>1</sup>Plaintiff alleges that the events occurred on May 7-10, 2013. The two-year period of limitation applicable to civil rights actions pursuant to 42 U.S.C. § 1983 will not expire for more than a year and a half. See Nev. Rev. Stat. § 11.190(4)(e). See also *Perez v. Seevers*, 869 F.2d 425, 426 (9th Cir. 1989) (per curiam).

1 IT IS FURTHER ORDERED that this action is DISMISSED without prejudice to  
2 plaintiff's commencement of a new action in which he either pays the filing fee in full or  
3 submits a complete application to proceed *in forma pauperis*, accompanied by a signed  
4 financial certificate and a statement of his inmate account. The Clerk of the Court shall  
5 enter judgment accordingly.

6 DATED THIS 1<sup>st</sup> day of July 2013.

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9 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE